

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ARCH INSURANCE COMPANY,

Appellant,

v.

PROGRESSIVE CASUALTY INSURANCE COMPANY,

Respondent.

DOCKET NUMBER WD69806

Date: September 22, 2009

Appeal from:
JACKSON COUNTY Circuit Court
The Honorable Richard E. Standridge, Judge

Appellate Judges:
Division One: Alok Ahuja, Presiding Judge, Harold L. Lowenstein, Senior Judge, and Thomas H. Newton, Chief Judge

Attorneys:
James C. Wirken, Esq., Kansas City, MO, for appellant.
Daniel N. Allmayer, Esq., Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

ARCH INSURANCE COMPANY

Appellant,

v.

PROGRESSIVE CASUALTY INSURANCE COMPANY,

Respondent.

WD69806

JACKSON COUNTY

Before Division One Judges: Alok Ahuja, Presiding Judge, Harold L. Lowenstein, Senior Judge, and Thomas H. Newton, Chief Judge

Although it involves a different underlying vehicle owner/borrower, this appeal involves the same issues, and the same parties, as *Arch Insurance Co. v. Progressive Casualty Insurance Co.*, No. WD69805, also decided today.

DISMISSED.

Division One holds:

Arch's opening Brief suffers from the same defects described in No. WD69805. For the reasons stated in our opinion in that case, this appeal is likewise dismissed.

Opinion by: Alok Ahuja, Judge

September 22, 2009

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.
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This appeal involves the same issues, and the same parties, as *Arch Ins. Co. v. Progressive Cas. Ins. Co.*, No. WD69805, also decided today.

Dissent Holds:

A material fact is in dispute, and summary judgment should not have been granted. This case should be remanded for trial on its merits.

Before: Division One: Alok Ahuja, Presiding Judge, Harold L. Lowenstein, Senior Judge and Thomas H. Newton, Chief Judge

Opinion by: Harold L. Lowenstein, Senior Judge

September 22, 2009

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